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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION
10

11 UNITED STATES OF AMERICA,)	CR-14-0285 JST
)	
12 Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	VACATING STATUS CONFERENCE DATE
13 vs.)	AND SETTING NEW DATE FOR FURTHER
)	STATUS CONFERENCE
14 JEREMY DONAGAL, et al.,)	
)	
15 Defendants.)	
)	
16)	
17)	

18 The United States of America, by its attorneys, Melinda Haag, United States
19 Attorney ("USA"), and Assistant United States Attorney ("AUSA") KEVIN BARRY, and
20 defendants MICHAEL TOMADA and CHRISTOPHER NEELY, by their respective
21 counsel, attorneys Peter Goodman and Brian Berson, hereby submit this Stipulation
22 and [Proposed] Order requesting that the May 22, 2015, date currently set for the
23 defendants to appear before this Court for a Status Conference be vacated and their
24 cases be continued to June 26, 2015, for a further Status Conference.

25 The parties hereby stipulate and agree to the following:

26 1. On May 22, 2014, an eleven count indictment was returned in this matter.
27 Seven defendants, including defendants TOMADA and NEELY, were charged with
28 conspiring to possess and possessing with the intent to distribute alprazolam and other

1 controlled substances in violation of 21 U.S.C. §§846 and 841(a)(1).

2 2. On May 30, 2014, Nicole Giacinti was appointed to represent defendant
3 TOMADA.

4 3. On January 14, 2015, Ms. Giacinti filed an *Ex Parte Request to Withdraw*
5 *As Counsel* as the result of a conflict of interest created by her acceptance of a position
6 at the Judicial Counsel of California. On January 15, 2015, her request to withdraw was
7 granted.

8 4. On February 6, 2015, Peter Goodman was appointed to represent
9 defendant TOMADA. Given the volume of discovery and his late entry into the case,
10 Mr. Goodman requested that the matter be continued to April 10, 2015, for a further
11 status conference. That request was granted.

12 5. After his appointment, Mr. Goodman received approximately 500 pages
13 of DEA 6 reports from Mrs. Giacinti and two compact disks containing more than 800
14 telephone calls and texts intercepted during the course of a Title III wiretap obtained by
15 the government on April 8, 2014. Included with those disks were approximately 500
16 transcripts of the intercepted calls and texts. Mr. Goodman has been reviewing these
17 materials but has not completed that review and needs additional time to do so.

18 6. Mr. Goodman has received and is reviewing a one-terabyte hard drive
19 provided in discovery by AUSA Barry which contains numerous and lengthy intercepted
20 telephone calls between the defendants in this case, hundreds of surveillance
21 photographs and other voluminous written discovery. He anticipates completing that
22 review in the next thirty days and being in a position to discuss motions after that time.
23

24 7. Mr. Berson and AUSA Barry are still discussing previous discovery requests.
25 Mr. Berson cannot intelligently evaluate potential motions, trial dates or a negotiated
26 disposition until that discovery is obtained and reviewed. Given the amount of
27 discovery not yet reviewed by defense counsel, Mr. Goodman and Mr. Berson are
28 jointly requesting that the current date for a status conference in this matter of May

22, 2015 be vacated and the matter be continued to 9:30 a.m. before this court for a further status conference. AUSA Barry has been informed by defense counsel of their request for a continuance and has indicated that he does not oppose that request.

8. The parties hereby stipulate and agree that time should be excluded under the Speedy Trial Act pursuant to 18 U.S.C. §§3161(h) (7)(A) and (7)(B)(iv) from May 22, 2015, through June 26, 2015, in the interests of justice and to ensure the effective assistance of counsel for defendants TOMADA and NEELY.

SO STIPULATED
MELINDA HAAG
United States Attorney

DATED: May 21, 2015

By: /s/
KEVIN BARRY
Assistant United States Attorney

SO STIPULATED
DATED: May 21, 2015

/s/
PETER GOODMAN
Attorney for Defendant
MICHAEL TOMADA

SO STIPULATED
DATED: May 21, 2015

/s/
BRIAN BERSON
Attorney for Defendant
CHRISTOPHER NEELY

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1 ORDER VACATING STATUS CONFERENCE DATE AND
2 SETTING NEW DATE FOR FURTHER STATUS CONFERENCE

3 Based on the stipulation of the parties and good cause appearing therefor,
4 IT IS HEREBY ORDERED that the May 22, 2015, date currently set for defendants
5 TOMADA and NEELY to appear before this Court for a Status Conference is vacated
6 and the matter is continued to June 26, 2015, at 9:15 a.m. for a further Status
7 Conference.

8 IT IS FURTHER ORDERED that time shall be excluded under the Speedy Trial
9 Act pursuant to 18 U.S.C. §§3161(h)(7)(A) and (B)(iv) from May 22, 2015, through
10 June 26, 2015, in the interests of justice and to ensure effective assistance of counsel.
11 The Court finds that the ends of justice served by granting the continuance outweigh
12 the best interests of the public and the defendant in a speedy trial.

13 DATED: May 21, 2015

